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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Jean-Louis GUERET

Group Art Unit: 3732

Application No.: 10/620,761

Examiner: T. Manahan

Filed: July 17, 2003

Docket No.: 124371

For: DEVICE COMPRISING AT LEAST TWO CONTAINERS CONFIGURED SO AS TO  
BE SUPERPOSABLE

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR §1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO-1449. Unless otherwise indicated herein, one copy of each reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

- ☒ 1. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, Notice of Allowance or other action that closes prosecution (e.g., Quayle Action).
- ☒ a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).
- ☒ 2. One or more reference cited herein was cited in a counterpart foreign application. A partial English language translation of the foreign Office Action is attached for the Examiner's information. See References 1-5.
- ☒ 3. In accordance with 37 CFR §1.98(a)(2)(ii), copies of any U.S. patents and patent application publications are not attached.

- ☒ 4. An English language Abstract of one or more non-English language reference is attached. See References 2-5.
- ☒ 5. A computer-generated English language translation of one or more Japanese Patent Publication cited herein has been obtained from the website of the Japanese Patent Office ([<http://www.jpo.go.jp>]), and is attached, but has not been reviewed for accuracy. See References 2-5.
- ☒ 6. Reference 3 corresponds to Reference 1.
- ☒ 7. JP-U-63-017031 and JP-A-11-046854 were previously submitted in an Information Disclosure Statement filed November 1, 2005.

Respectfully submitted,



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WPB:JEG/hms

Date: April 24, 2007

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EXAMINER'S REPORT WITH REGARD TO THE AMENDMENT FILED AT THE  
TIME OF FILING THE APPEAL

The amendment with regard to Claims 1-32 is for the purpose of narrowing the claims. [The Examiner considers that the amendment satisfies the requirements for an amendment.]

However, the invention set forth in the amended claims 1-32 are not patentable for the following reasons.

Therefore, the amendment is to be declined in accordance with the Japanese patent law, Article 53, Paragraph 1. [If the invention set forth in the amended claims is not patentable for the reason of not complying with the novelty, inventive-step requirements, etc., it is provided under the Japanese patent law that the amendment is to be declined. Therefore, if the appeal board examiner maintains the same view as the Examiner, the amendment would be declined which results in the present application to include the claims before the amendment dated January 10, 2007.]

In conclusion, the present application is to be rejected based on the reasons stated in the previous Official Action.

(Please note that, during the examination stage, the Examiner has asked the representative attorney whether the applicant wishes to amend the claims. Although the representative attorney and the Examiner came to an agreement to amend the claims to limit them to Claim 13 and those which depend therefrom, the applicant did not wish to amend the claims so and wished that the claims be examined by the appeal board examiners without amending the claims.)

A. The invention under the present application is considered to have been easy to invent for those skilled in the art on the basis of the inventions described in the following publications which were circulated in Japan prior to the present application and, therefore, it is considered unpatentable in view of the provisions of Article 29, Paragraph 2 of the Patent Law:

Remarks:

(With regard to the cited references, please see the list thereof below)

Reference 1 states a device having containers configured to be able to stuck on top of each other, and the general constitution of the receptacle.

Further, in a stacking containers, it is stated to add another container to a lid with a hinge integrally molded thereto.

B. The invention of this application is found to be identical with the invention described in the specification and/or drawing initially attached to the application documents of the following Applications which were filed at a date earlier than and publicly disclosed at a date later than the filing date of this application. Furthermore, neither is the inventor named in this application the same person as the inventor of the invention under the earlier application nor is the applicant in this application the same person as the applicant in said earlier application. Consequentially, this application is ineligible for patent in accordance with the provisions of Article 29 bis of the Patent Law.

Remarks:

(With regard to the cited references, please see the list thereof below)

In the specification or the drawings originally attached to the application 3 below, the same invention as the present invention is stated. (Especially, see the fourth and fifth embodiments)

Further, in order to contain an applicator member in a housing is stated in, for example, References 1 and 4. Further, to form a lid having a film hinge made by integrally molding plastics material with the container is stated in, for example, References 5 and 6.

Since is considered that the present invention would not bring a new effects by adding the each well-known technical matter stated above, the differences between the present invention and the cited differences are considered to be slight differences.

List of Cited References

1. Japanese Utility Model Laid-open Disclosure No. 63-017031
2. Japanese Patent Laid Open Disclosure No. 2001-354287
3. Japanese Patent Application No. 2002-157900

(Japanese Patent Laid Open Disclosure No. 2004-001808)

4. Japanese Patent Laid Open Disclosure No. 11-046854

5. Japanese Patent Laid Open Disclosure No. 11-348959

6. Japanese Patent Laid Open Disclosure No. 05-213331

Sheet 1 of 1

Form PTO-1449 (REV. 1/06)		US Dept. of Commerce PATENT & TRADEMARK OFFICE		ATTY DOCKET NO. 124371		APPLICATION NO. 10/620,761	
INFORMATION DISCLOSURE STATEMENT  (Use several sheets if necessary)				APPLICANT(S) Jean-Louis GUERET			
				FILING DATE July 17, 2003		GROUP 3732	
U.S. PATENT DOCUMENTS							
Examiner Initials	Cite No.	Document Number	Date	Name			
	1	2001/0025855 A1	10/04/2001	Leboucher			
FOREIGN PATENT DOCUMENTS							
Examiner Initials	Cite No.	Document Number	Date	Country	With English Abstract	With English Translation	
	2	JP-A 05-213331	08/24/1993	Japan	x	x	
	3	JP-A 11-348959	12/21/1999	Japan	x	x	
	4	JP-A 2001-354287	12/25/2001	Japan	x	x	
	5	JP-A 2004-001808	01/08/2004	Japan	x	x	
OTHER DOCUMENTS							
Examiner Initials	Cite No.	(Including Author, Title, Date, Pertinent Pages, etc.)					
EXAMINER				DATE CONSIDERED			
Examiner: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

Date: April 23, 2007